

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT CHATTANOOGA

UNITED STATES OF AMERICA	)	
	)	
	)	Case No. 1:06-CR-140-013
v.	)	
	)	Chief Judge Curtis L. Collier
	)	
ANTHONY FLEMISTER	)	

**ORDER**

On April 20, 2007, United States Magistrate Judge William B. Mitchell Carter conducted a plea hearing in this case and filed a Report and Recommendation (“R&R”). The R&R recommends (1) the Court accept the defendant’s guilty plea as to Count One of the Indictment, to the extent it charges conspiracy to distribute marijuana in violation of 21 U.S.C. §§ 846, 841(a)(1) and the lesser-included offense of (b)(1)(D); (2) the Court adjudicate the defendant guilty of the charges to which he has pleaded; (3) the Court accept the defendant’s plea agreement at the time of sentencing; and (4) the defendant be taken into custody pending sentencing (Court File No. 158).

Neither party has filed an objection to the R&R within the given ten days. However, on April 20, 2007, Judge Carter issued a modified order setting the defendant’s conditions of release pending sentencing. Therefore, the Court **DOES NOT ACCEPT** the R&R’s recommendation the defendant be taken into custody but **DOES ACCEPT** the modified conditions of release, to the extent the defendant must abide by electronic monitoring and a curfew. Further, after reviewing the record, the Court **ACCEPTS** and **ADOPTS** the remainder of the R&R (Court File No. 158) pursuant to 28 U.S.C. § 636(b)(1), and **ORDERS** as follows:

(1) The defendant’s guilty plea as to the lesser included offenses of Count One of the

Indictment is **ACCEPTED**;

(2) The defendant is hereby **ADJUDGED** guilty of the charges to which he has pleaded;

(3) A decision to accept the plea agreement is **DEFERRED** until sentencing; and

(4) The defendant **SHALL REMAIN** on bond, subject to the modified conditions (Court File No. 159), until sentencing. Sentencing is set for **Thursday, July 26, 2007, at 2:00 p.m.**

**SO ORDERED.**

**ENTER:**

/s/  
**CURTIS L. COLLIER**  
**CHIEF UNITED STATES DISTRICT JUDGE**